



EXPRESS MAIL NO. EM555262605US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Orla M. CONNEELY, et al.

Application No. 09/058,589

Filed: April 10, 1998

For: **LACTOFERRIN AS REGULATOR OF
ALLERGEN-INDUCED TUMOR
NECROSIS FACTOR- α PRODUCTION
AND THERAPEUTIC APPLICATIONS**

Art Unit: 1614

Examiner: Unassigned

Attorney's Docket No: 138.41.US01

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

BOX: MISSING PART

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the **Notice to File Missing Parts of Application--Filing Date Granted** dated April 23, 1998, Applicant(s) submits the following documents for appropriate action by the U.S. Patent and Trademark Office:

- ☒ Copy of the Notice to File Missing Parts;
- ☒ Original Declaration, executed by the inventor(s);
- ☒ Small Entity Status form;
- ☒ Return postcard; and
- ☒ Our Check No. 2028 for \$595.00 to cover:

<u>\$395.00</u>	Filing Fee for Patent Application (37 C.F.R. § 1.16)
<u>\$135.00</u>	Fee for excess claims (37 C.F.R. § 1.16)
<u>\$ 65.00</u>	Surcharge for late filing of Declaration (37 C.F.R. § 1.16)

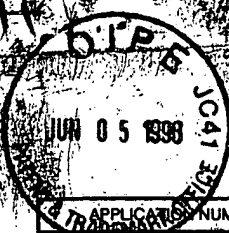
The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038. A duplicate copy of this Response is enclosed.

Respectfully submitted,

Date: June 5, 1998

HOWREY & SIMON
Box No. 34
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for J. David Smith Reg. No. 39,839
Albert P. Halluin (Reg. No. 25,227)



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/058,589 04/10/98 KIMBER

138,41.USD

0242/0423

HOWREY & SIMON
 BOX NO 34
 1299 PENNSYLVANIA AVENUE N W
 WASHINGTON DC 20004

NOT ASSIGNED

DATE MAILED: 1614

04/23/98

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☐ non-small entity is \$ 1190.00

☒ 1. The statutory basic filing fee is:
☒ missing.
☒ insufficient.
 Applicant must submit \$ 790.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27). 270.00

☒ 2. Additional claim fees of \$ 270.00, including any multiple dependent claim fees, are required.
 \$1 for independent claims over 3.
 \$ for dependent claims over 20.
 \$ for multiple dependent claim surcharge.
 Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:
☒ is missing or unexecuted.
☐ does not cover the newly submitted items.
☐ does not identify the application to which it applies.
☐ does not include the city and state or foreign country of applicant's residence.
 An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☒ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
 A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☒ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.
 See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

M. Middleton
 Customer Service Center

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